

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS J. MEREDITH II &
MARESH-MEREDITH FUNERAL HOME,
RESPONDENTS.

FINAL DECISION AND ORDER

90 FDR 017

The parties to this action for the purposes of §227.53, Wis. Stats., are:

Thomas J. Meredith II
Maresh-Meredith Funeral Home
803 Main Street
Racine, Wisconsin 53403

Wisconsin Funeral Directors Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent, Thomas J. Meredith II, is and was at all times relevant to the facts set forth herein a funeral director licensed in the State of Wisconsin pursuant to license #4695, originally granted on August 14, 1985.

2. Respondent, Maresh-Meredith Funeral Home, is and was at all times relevant to the facts set forth herein a funeral home licensed in the State of Wisconsin pursuant to license #1413, originally granted on December 1, 1971.

3. In approximately 1987, 1988 and 1989, the Respondents engaged in certain activities related to the sale of PNS, Inc., pre-need insurance to fund funeral arrangements in violation of applicable administrative rules and statutes.

4. Any violations of the applicable administrative rules and statutes by the Respondents were unintentional.

5. The Respondents ceased their involvement in activities related to the sale of such pre-need insurance in 1989.

CONCLUSIONS OF LAW

6. The Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to §445.13(1) and §445.105(4), Wis. Stats., and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

7. The activities described in paragraph 3, above, violated provisions of Chapter 445, Wis. Stats. and Chapter FDE 3, Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.


IT IS FURTHER ORDERED, that this disciplinary proceeding shall be and hereby is resolved.

IT IS FURTHER ORDERED, that no discipline is imposed against the Respondents as a result of this proceeding. The accepted principles of professional discipline do not require the imposition of discipline against the Respondents in the present case. The Respondents' violations were unintentional and the activity in question ceased in 1989.

IT IS FURTHER ORDERED, that respondents shall pay COSTS in this matter in the TOTAL amount of \$1,000.00, within 30 days of the date of this order.

Dated this 25th day of March , 1997.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: 
A Member of the Board

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

THOMAS J. MEREDITH II & :
MARESH-MEREDITH FUNERAL HOME, :
RESPONDENTS. :

STIPULATION

90 FDR 017

It is hereby stipulated between the above Respondents and Michael J. Berndt, attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. In resolution of these proceedings, the Respondents consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.
2. The Respondents have read the attached Final Decision and Order and understand it. The Respondents are aware of their right to an attorney. The Respondents understand that by signing this stipulation they consent to the attached Final Decision and Order being the complete resolution of all claims arising out of case 90 FDR 017 between the Respondents, the Division of Enforcement of the Department of Regulation and Licensing and the Funeral Directors Examining Board.
3. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
4. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondents, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.
5. The Board Advisors in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Decision and Order, may relate to the Board any knowledge and views of the case acquired during the investigation, and may vote on the ultimate acceptance or rejection by the Board of this agreement.
6. Respondents agree to honor all pre-need insurance plans for their customers related to PNS, Inc., and have done so to date.

7. The Division of Enforcement joins Respondents in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.


8. Respondents are informed that should the Board adopt this stipulation, the board's Final Decision and Order is a public record and will be published in the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondents.



Thomas J. Meredith II, Respondent, Personally
and On Behalf of Maresh-Meredith Funeral Home

3-17-97

Date



Michael J. Berndt, Prosecuting Attorney
Division of Enforcement

3/20/97

Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech

TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On March 25, 1997, the Funeral Directors Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$1,000.00 Case #: 90 FDR 017

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 1,000.00

The costs and/or forfeitures are due: April 24, 1997

NAME: Thomas J. Meredith, II LICENSE NUMBER: 4695

STREET ADDRESS: 803 Main Street

CITY: Racine STATE: WI ZIP CODE: 53403

Check whether the payment is for costs or for a forfeiture or both:

 X COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 X INDIVIDUAL X ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Thomas J. Meredith II &
Maresh-Meredith Funeral Home,

AFFIDAVIT OF MAILING

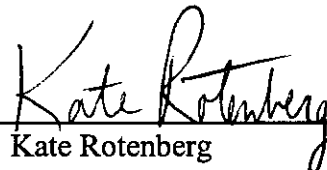
Respondents.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 26, 1997, I served the Final Decision and Order dated March 25, 1997, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondents Thomas J. Meredith II & Maresh-Meredith Funeral Home by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondents and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 374 121.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondents' last-known address and is:


Thomas J. Meredith II &
Maresh-Meredith Funeral Home
803 Main Street
Racine WI 53403



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 26th day of March, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 26, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)